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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,943	08/09/2001	Tadao Kanuma	040679-1324	1999

22428 7590 05/06/2003

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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SINGH, ARTI R

ART UNIT	PAPER NUMBER
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1771

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DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/924,943

Applicant(s)

KANUMA, TADAO

Examiner

Ms. Arti Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001 .
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 7 .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ .

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**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement filed on 08/09/01 and 02/19/2003 as paper nos. 5 and 7 have been reviewed, signed and are being remitted concurrently.

***Specification***

2. The disclosure is objected to because of the following informalities:
3. The uses of Trademarks/Tradenames have been noted throughout this application. The specific name/mark should be in ALL CAPS, followed by either a trademark or copyright symbol and be accompanied by the generic terminology. Although the use of Trademarks/Tradenames is permissible in patent applications, the proprietary nature of the marks/names should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as a trademark or tradename. To describe physical or other properties of material by mere use of trademark is objectionable since it has tendency to make trademark descriptive of product rather than leaving trademark to serve its traditional purpose, which is to identify product's source of origin.
4. Further although it is not necessary, Applicant claims and refers to many Japanese standards (JIS). For the purposes of making the record complete it is suggested that Applicant submit a copy of said standards.

***Claim Rejections - 35 USC § 102/103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kami et al. (USPN 6,283,507) in view of Stockwell (USPN 5,359,735). Kami et al. disclose a lightweight airbag wherein the airbag constitutes a base fabric composed of a woven fabric which has been made using a raw yarn of less than 150 denier (column 4, lines 25-34) and a cover factor of 2100 or more (column 4, line 35-51), a basis weight of 140 g/m<sup>2</sup> or less (column 4, line 52-57) to which a heat resistant elastomer is applied thereon. At least a part of the sewn areas relating to the main body of the airbag, particularly where a reinforcing fabric is sewn around the inflator fitting hole, being sewn with a sewing thread and the stitch number complying with a formula  $2 \leq T/S \leq 8$  (Column 3, line 19), which is exactly the same as required by Applicant in, claim 14 (abstract, column 2, line 55 to column 3, line 65). Several different coating processes to increase the tightness in the airbag however most coatings or resins are applied in an amount between 20 and 100g/m<sup>2</sup> (column 5, line 4). In column 7, lines 13-19. The instant patent teaches the use of many different types of synthetic threads used for sewing maybe nylon, polyester, vinylon, aramids, fluorine, carbon and glass. The woven fabric forming the airbag is formed of filaments like polyamide fibers, nylon, polyester, etc (column 8, lines 41-60). The teachings of Kami et al. disclose the use of silicone system coatings (column 9, line 19), but do not explicitly teach the two-step silicone coating as required by Applicant.

Stockwell teaches coating the surface of fabrics with a two-part silicone rubber adhesive compound, which may be a two-part silicone, such as that suggested by Applicant. A person having ordinary skill in the art at the time the invention was made would have found it obvious to have employed the two-part silicone coating system as the coating employed on the airbag of Kami et al.

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One would be motivated to do this as to provide an airbag with a controlled permeability, that is less coating for a front or driver side airbag, and more for a side curtain type airbag.

Given that the combination of Kami et al. and Stockwell meet each and every chemical and structural requirement set forth in the claims, then it must meet the property limitations of hardness and fractural elongation recited that depend from said requirements. In other words, it is reasonable to presume that the invention of Kami et al. and Stockwell would inherently anticipate the physical properties of the present invention, since coat an airbag with the same silicone coating systems.

Furthermore, as no other structural or chemical features are claimed which may distinguish the present invention from that of the Kami et al. and Stockwell invention, the presently claimed physical properties of hardness and fractural elongation are deemed to be inherent to the invention of Kami et al. and Stockwell. The burden is upon Applicant to prove otherwise. Note *In re Fitzgerald* 205 USPQ 495.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 7:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-873-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



ars  
May 02, 2003

Ms. Arti R. Singh  
Patent Examiner  
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